

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1738.01  
**COMPLAINT INVESTIGATOR:** Jane Taylor-Holmes  
**DATE OF COMPLAINT:** April 26, 2001  
**DATE OF REPORT:** May 24, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** June 19, 2001

**COMPLAINT ISSUES:**

Whether the MSD of Washington Township violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's *individualized education program* (the "*IEP*") as written, specifically:

- a. failing to provide a notetaker for lectures (part of goal #3);
- b. failing to utilize an assignment notebook, including a visual checkoff system of completed work (part of goal #2);
- c. failing to provide a modified curriculum in reading; and
- d. failing to provide information on the student's condition to one of the teachers working with the student.

511 IAC 7-27-6(a)(7) with regard to the school's alleged failure to identify in the student's *IEP*:

- a. how the student's progress toward annual goals will be measured; and
- b. how the student's parent will be notified of the student's progress toward the annual goals and the extent to which that progress is sufficient to achieve the annual goal by the end of the 12-month period.

**FINDINGS OF FACT:**

1. The student (the "Student") is thirteen years old and attends the local middle school (the "School") as a sixth grader. The Student is eligible for special education and related services as a student with an other health impairment ("OHI").
2. The complainant (the "Complainant") contends that the Student's curriculum is not being appropriately modified as stated in the *IEP*. The Complainant reported that on April 23, 2001, the spelling/vocabulary words from the Student's reading class consisted of twenty words. The words were not explained to the Student, and the entire class was given the words. According to the Complainant the Student had no grasp of the material and was completely confused about how words should be used in sentences.
3. Page 5 of the Student's March 19, 2001, *IEP* indicates that the case conference committee agreed that the Student should receive the general education curriculum with modifications except in math and reading.
4. Measurable Annual Goal #3a ("Goal #3a") states "To attain information from his modified academic program/curriculum." The short-term instructional objective for Goal #3a states "[Student] will

demonstrate mastery of modified curriculum/subjects w/70% accuracy." One of the modifications included in the accommodations and modifications list next to the short-term instructional objective for Goal #3a states "Notetaker for lectures (compare [Student's] notes w/notetakers, fill in the blanks.)"

5. The local director of special education (the "Director") reported that "...note-taking responsibilities of students has [sic] not been required in Reading, Math, Social Studies, English, or Science. Should there be a planned lecture requiring note taking, the T.O.R. is aware due to her participation in daily team planning. The T.O.R. also co-teaches in three (3) of the subjects and there is an instructional assistant in the other. The teacher of record has obtained pressure sensitive paper should it be required to provide [the Student] with a copy of notes for lectures that require students to take notes."
6. The CCC met on May 14, 2001. The Complainant reported that the accommodation for Goal #3a regarding a notetaker for lectures was discussed (Finding of Fact #5), and that she was told that none of the Student's classes were lectures.
7. Measurable Annual Goal #2 ("Goal #2") from the Student's March 19, 2001, *IEP* states "To begin a task independent of adult cues and complete work independent of adult support." Short-term objective #2 for Goal #2 states "[Student] will complete assigned tasks independent of adult support." The accommodations and modifications list for short-term objective #2 states "Assignment notebook including a visual checkoff system of completed work." Short-term objective #3 states "[Student] will document homework assignments 100% on a daily basis." The accommodations and modifications list for short-term objective #3 states "[Student] will take his assignment notebook to the teacher to check at the end of each period."
8. The Director reported that through discussion with the Student's teacher of record (the "TOR"), the Student does not take the assignment notebook to his teachers at the end of each period. The TOR has informed the Student's teachers that the check-off system consists of the Student's responsibility to take the assignment book to his teachers when an assignment is turned in. The teachers are then to check off and initial the book.
9. Pages from the Student's assignment notebook beginning March 26, 2001, to May 1, 2001, include only eleven daily entries made by the Student. There are no teacher initials or checks on any of the assignment notebook's pages.
10. Page 6 of the Student's *IEP* written on March 19, 2001, states ".... staff development to all teachers working w/[Student] regarding corpus callosum spring 01 and fall 01."
11. The School psychologist and the TOR provided staff development on April 9, 2001, regarding the Student's medical condition to all of the Student's teachers. All teachers received written material about the condition as well.
12. The Student's March 19, 2001, *IEP* states that evaluation of progress toward the annual goals would be through grades and documentation.
13. The form used to write the Student's March 19, 2001, *IEP* includes a pre-printed statement that generically states "Progress Reports provided at end of each grading period."
14. As a result of complaint #1702.01 (filed March 5, 2001), the *IEP* form was revised in April 2001, to allow for individualization with respect to the CCC's requirement to determine how parents are to be regularly informed of their student's progress toward annual goals.

15. The CCC met on May 14, 2001, and revised the Student's *IEP* utilizing the new *IEP* form. The revised *IEP* states that progress toward annual goals will be measured through report cards, logs, teacher observation, formal and informal tests, and portfolios.
16. The revised *IEP* states that progress toward some annual goals will be through a mid-grade period report card, and for other annual goals through a grading period report card.

**CONCLUSIONS:**

- 1.a. Although Finding of Fact #4 indicates that the Student's *IEP* includes an accommodation for a notetaker for lectures, Findings of Fact #5 and #6 indicate that the Student has not required a notetaker because none of his classes are lectures. No violation of 511 IAC 7-27-7(a) occurred with respect to providing a notetaker for lectures.
- 1.b. Findings of Fact #7 and #8 indicate that the Student is to take the initiative to utilize the daily assignment notebook by taking it to each teacher at the end of each period. Finding of Fact #9 indicates that the daily assignment notebook contains only random entries by the Student and no teacher initials or checks. No violation of 511 IAC 7-27-7(a) occurred with regard to utilizing the assignment notebook and checkoff system.
- 1.c. Finding of Fact #2 indicates that the spelling/vocabulary words given to the Student during reading class were the same given to the entire class. However, Finding of Fact #3 indicates that the Student's *IEP* specifically states that the Student should participate in the general education curriculum with modifications except for math and reading. No violation of 511 IAC 7-27-7(a) occurred with regard to providing a modified curriculum in reading.
- 1.d. Findings of Fact #10 and #11 indicate that the Student's teachers received a staff development opportunity on April 9, 2001, regarding the Student's condition, and as indicated in the Student's *IEP*. No violation of 511 IAC 7-27-7(a) occurred with regard providing information about the Student's condition to the teachers working with the Student.
- 2.a. Findings of Fact #12, #13, #14, #15, and #16 indicate that the form used for the March 19, 2001, *IEP* included a pre-printed statement that stated progress reports would be provided at the end of each grading period. However, as a result of complaint #1702.01 the *IEP* forms were revised, and the CCC met and revised the Student's *IEP* utilizing the new *IEP* forms. The *IEP* now reflects how the Student's progress toward annual goals will be measured and how the Complainant will be notified of the Student's progress toward the annual goals. Although a violation of 511 IAC 7-27-6(a)(7) occurred, it has subsequently been corrected.

**The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.**

DATE REPORT COMPLETED: May 24, 2001